IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 21321 of 2007(L)

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PETITIONER:

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K.NARAYANAN NAIR,
U.D.CLERK, SREE PARIYANAMPATTA DEVASWOM,
KATTUKULAM, PALAKKAD DISTRICT.

BY ADV. SRI.VINOD MADHAVAN

RESPONDENT:

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STATE OF KERALA, REPRESENTED BY
ITS PRINCIPAL SECRETARY, REVENUE (DEVASWOM)
DEPARTMENT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

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W.P.(C) NO. 21321 OF 2007-L

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JUDGMENT

The petitioner challenges Ext.P4 notice, on the ground that the same has been issued without jurisdiction. The punishment of dismissal from service imposed by the Commissioner, Hindu Religious and Charitable Institutions has been modified to one of reversion to the lower post by the Government, by Ext.P1 order, in exercise of its revisional power. Now, the Government proposes to reopen that order. Therefore, Ext.P4 notice was issued, proposing to hear the petitioner on that point. The petitioner submits, the Government have no power or authority to review its own decision, which has been rendered, taking into account all material facts. There is no allegation of any fraud or mis-representation from the part of the petitioner, which led to Ext.P1 decision. Therefore, it is submitted that the present attempt to reopen the said order, as if it is a routine matter, is unsustainable.

2. The learned Government Pleader produced the file leading to Ext.P4 and I heard him also, in support of Ext.P4.

3. Ext.P4 is only a notice. The petitioner can place all his

contentions, including lack of jurisdiction from the part of the Government to reopen the matter. Therefore, it is necessary for this Court to interfere with the same at this stage. Accordingly, the writ petition is closed without prejudice to the contentions of the petitioner and his right to raise all of them before the Government at the time of hearing, which is stated to be adjourned to 8.8.2007.

18th July, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/